

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEREMY Z. MITTMAN, individually and
as parent and natural guardian of JACOB
MITTMAN, a minor,

Plaintiffs,

v.

NATIONWIDE AFFINITY INSURANCE
COMPANY,

Defendant.

CIVIL ACTION
NO. 16-04658

ORDER

AND NOW, this 10th day of April, 2017, upon consideration of Nationwide's Motion to Dismiss Count III (ECF No. 6), and Plaintiff Mittman's Response (ECF No. 7), it is hereby **ORDERED** that:

1. Nationwide's motion is **GRANTED**;
2. Count III of Mittman's Complaint is **DISMISSED without prejudice**;
3. Mittman shall file an amended complaint consistent with this opinion on or before **May 12, 2017**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.